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OFFICE OF PETITIONS

In re Application of :
Marks, et al. : DECISION ON PETITION
Application No. 10/051,003 :
Filed: January 18, 2002 :
Atty. Dkt. No.: 9319 :

This decision is in response to the petition under 37 CFR 1.137(b), filed September 28, 2004.

The petition under 37 CFR 1.137(b) is GRANTED.

This application became abandoned June 1, 2004 for failure to timely submit a proper reply to the "REMAND AND ORDER FOR CLARIFICATION" mailed March 31, 2004. The Order set a two month non-extendible period of time for response. This decision precedes notice of dismissal of appeal.

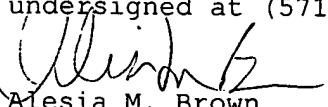
A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely reply to the Order mailed March 31, 2004 is accepted as having been unintentionally delayed.

The required petition fee has been charged to applicants' deposit account as authorized in the instant petition.

This application file is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions